

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES THOMAS, M.D.,

Plaintiff,

v.

LEHIGHTON EMERGENCY MEDICAL  
ASSOCIATES, P.C., and PALMERTON  
EMERGENCY MEDICAL ASSOCIATES,  
P.C.,

Defendants.

CIVIL ACTION NO. 3:12-0655

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 15<sup>th</sup> day of August, 2012, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. 12) is **GRANTED in part and DENIED in part**.

- (1) The motion to dismiss Count VI is **GRANTED**. The *quantum meruit* claim is **dismissed**. Plaintiff may amend the *quantum meruit* claim within **twenty-one days** from the date of entry of this Order; otherwise, the claim will be **dismissed with prejudice**.
- (2) The motion to dismiss is otherwise **DENIED**.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge